IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD
(Special Original Jurisdiction)

THURSDAY, THE SEVENTEENTH DAY OF JUNE
TWO THOUSAND AND FOUR

PRESENT

THE HON'BLE MS JUSTICE G.ROHINI

WRIT PETITION NO : 20495 of 1993

Between:
L.Bichaya, S/o. Pantu, aged about 30 years,
LDC (under orders of reservation), Central Research
Institute for Unani Medicine, Opp; ESI Hospital,
Hyderabad.

..... PETITIONER

AND

1. The Director, Central Council for Research in Unani Medicine, 5 Panchasheel shopping Centre, New Delhi.
2. Deputy Director (Incharge), Central Research Institute for Unani Medicine, Opp: ESI Hospital, Erragadda, Hyderabad.

.....RESPONDENTS

Petition under Article 226 of the constitution of India praying that in the circumstances stated in the Affidavit filed herein the High Court will be pleased to issue a writ or order or direction, especially one in the nature of mandamus : i. Declaring the impugned proceedings in O.O.No.168/93/94 dt. 10.8.1993 of the Deputy Director Incharge, Central Research Institute for Unani Medicine, Hyderabad as illegal, arbitrary and unsustainable in law; ii. Declare that the petitioner is entitled to be continued as L.D. clerk with regularization of services of all consequential benefits; iii. Direct the respondents to continue the petitioner as L.D.C. and regularize his services and grant all consequential benefits and; iv. To grant such other relief or reliefs as the Hon'ble Court may deem fit and proper in the circumstances of the case.

Counsel for the Petitioner: MR.V.JOGAIAH SARMA

Counsel for the Respondents: MR.T.LAKSHMI NARAYANA

The Court Made the Following :

ORAL ORDER :

The petitioner is aggrieved by the order dated10-08-1993, issued by the second respondent, whereunder the earlier order issued in favour of the petitioner appointing him on adhoc basis to the post of Lower Division Clerk (L.D.C.) in the pay scale of Rs.950-20-1150-EB-25-1500 was withdrawn and he was reverted to the post of Peon.

This Court while issuing Rule Nisi, by order dated 31-12-1993 in W.P.M.P.No.25818 of 1993 granted interim suspension of the impugned order. Though the respondents filed their counter-affidavit and sought for vacating the interim order, this Court declined to vacate the interim order and by order dated 22-08-1996 the interim suspension was made absolute.

When this writ petition is taken up for hearing, it is brought to my notice by the learned Counsel for the petitioner that during the pendency of the writ petition, by order dated 20-11-1996 the petitioner has been appointed as L.D.C. in the first respondent Institute on the basis of the recommendation of the Selection Committee in the pay scale of Rs.950-20-1150-EB-25-1500 with effect from 12-09-1996. In view of the said order appointing the petitioner as L.D.C. on regular basis, the writ petition has been rendered infructuous and therefore no adjudication is necessary on merits.

Accordingly, the Writ Petition is disposed of Placing on record the order of the respondent bearing No.327/96-97, dated 20-11-1996. However, it is made clear that so far as the claim of the petitioner for the monetary benefits alleged to be due for the period from 10-08-1993 to 20-11-1996, it is open to the petitioner to make a representation before the respondents within a period of eight weeks from today. If any such representation is made, the same shall be considered by the respondents in accordance with law.

Writ Petition is accordingly disposed of. No costs.

17TH JUNE, 2004.
GBS

ASSISTANT REGISTRAR

// TRUE COPY //

SECTION OFFICER

To

1.The Director, Central Council for Research in Unani Medicine, 5 Panchasheel shopping Centre, New Delhi.
2.Deputy Director (Incharge), Central Research Institute for Unani Medicine, Opp: ESI Hospital, Erragadda, Hyderabad.

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